IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 20282 of 2002

Between:

1 Sunkari Mallappa, S/o.Siddappa,
R/o.Pata Basthi Bazar, Gajwel Post,
Gajwel Mandal, Medak District.
2 D.Chandra Reddy, S/o.Malla Reddy,
R/o.Pata Basthi Bazar, Gajwel Post,
Gajwel Mandal, Medak District.

..... PETITIONERS

AND

1 Union of India, Rep. by its Deputy Secretary,
Ministry of Home Affairs, Loknayak Bhavan, (Hyderabad FF Call),
New Delhi.
2 The Government of Andhra Pradesh, Rep. by its Joint Secretary to Government,
Revenue (FF) Department, Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 1st Respondent, in not considering the case of the petitioners for granting pension under Swatantra Sainik Samman Pension Scheme, pursuant to the recommendation Lr.No.25254/FF.II/A2/92-4, dated:17.12.1992 made by the 2nd Respondent, as arbitrary, illegal, in violation of Article 14 of the Constitution of India and for extraneous considerations and to issue a consequential direction to the Respondents to consider the case of the petitioners in the light of the recommendation Lr.No.25254/FF.II/A2/92-4, dated:17.12.1992 made by the 2nd Respondent and grant pension to the petitioner under Swatantra Sainik Samman Pension Scheme forthwith with effect from the date of application.

Counsel for the Petitioners: MR.SUBBA RAO KORRAPATI

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY SENIOR CENTRAL GOVT. STANDING COUNSEL

Counsel for the Respondent No.2 : GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

ORDER:

1. This writ petition is filed by the petitioners with a prayer to issue a Writ of Mandamus declaring the action of R1 in not considering the case of the petitioners for granting pension under Swatantra Sainik Samman Pension Scheme pursuant to the recommendation Lr.No.25254/FF.II/A2/92-4, dated 17.12.1992 made by R2, as arbitrary, illegal and violative of Article 14 of the Constitution of India and for consequential direction to the respondents to consider the case of the petitioners in the light of the letter dated 17.12.1992 addressed by R2 to R1 for grant pension under Swatantra Sainik Samman Pension Scheme.

2. Heard learned counsel for the petitioners and learned Standing Counsel for Central Government for the respondents.

3. As seen from the records, R2 has sent a proposal to R1 to consider the case of the petitioners for grant of pension under Swatantra Sainik Samman Pension Scheme. A letter has been issued by R1 to R2 on 9.5.1995 for verification of documents. It is submitted by the Government Pleader for Revenue appearing on behalf of R2 that necessary proposals and documents have been sent to R1 and it is for R1 to pass appropriate orders.

4. In the circumstances of the case, this writ petition is disposed of directing R1 to consider the proposals sent by R2 with regard to sanction of pension under Swatantra Sainik Samman Pension Scheme to the petitioners herein and pass

appropriate orders within eight weeks from the date of receipt of a copy of this order.

Dated: 9th June, 2005 (B.Seshasayana Reddy, J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Deputy Secretary, Union of India, Ministry of Home Affairs, Loknayak Bhavan, (Hyderabad FF Call), New Delhi.
2. The Joint Secretary, Government of Andhra Pradesh, Revenue (FF) Department, Secretariat, Hyderabad.
3. 2 CD copies

4. Two copies to Government Pleader for Revenue, High Court of A.P. Buildings, Hyderabad.

5. Two copies to Senior Central Government Standing Counsel, High Court Buildings, Hyderabad.